

FINAL STATEMENT OF REASONS

- a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 47-110(f)(2)

Specific Purpose:

This section provides a definition of "First County."

Factual Basis:

This section is necessary to specify the county from which the client will or has moved to change residence.

Section 47-110(f)(3)

Specific Purpose:

The specific purpose of this section is to renumber the section and to repeal the phrase "AFDC or."

Factual Basis:

This amendment is necessary to eliminate, in the definition of "Former CalWORKs Client," the reference to AFDC because the CalWORKs program replaced AFDC in 1998 (AB 1542). Additionally, former Section 47-110(f)(2) is being renumbered to 47-110(f)(3) to accommodate the adoption of a new Section 47-110(f)(2).

Section 47-110(i)(1)

Specific Purpose:

This section provides a definition of "Intercounty Transfer" that includes the transfer of responsibility for the client's Stage One child care from one county to another when a client changes county of residence.

Factual Basis:

The section is necessary to assure consistency in the regulations during those time periods of an Intercounty Transfer when Stage One child care must be provided.

Section 47-110(s)(1)

Specific Purpose:

This section provides a definition of "Second County."

Factual Basis:

This section is necessary to specify that "second county" is the county to which the client is moving or has moved to change residence.

Section 47-310

Specific Purpose/Factual Basis:

This section is adopted to include within it the information about intercounty transfers as related to clients receiving CalWORKs child care.

Sections 47-310.1 and .11

Specific Purpose:

The specific purpose of these sections is to require the first county to inform clients in writing of their responsibility to apply for child care in the second county when changing county of residence.

Factual Basis:

These sections are necessary to require the first county to notify the client of the client's responsibility to apply for child care in the second county. This will minimize disruption of child care services due to the client's not knowing of the need to apply for, or their delay in applying for, child care in the second county.

Sections 47-310.2 and .21

Specific Purpose:

The specific purpose of these sections is to require the second county to establish a child care case when the client applies for and meets the child care eligibility requirements regardless of the status of the cash aid transfer.

Factual Basis:

These sections are necessary to facilitate the development of the client's new child care case in the second county to ensure continuous services to clients when they move from one

county to another. Also, it makes it clear that the county can and shall establish the child care case regardless of the status of the cash aid case.

Handbook Section 47-310.211

Specific Purpose/Factual Basis:

This handbook section specifies that clients, if otherwise eligible, receive child care as a current CalWORKs client if their cash aid is approved or as a former CalWORKs client if their cash aid case is denied.

Section 47-310.22

Specific Purpose:

This section specifies the second county determines if the client is eligible for Stage Two or Stage Three and refers the child care case to the responsible agency.

Factual Basis:

Since these Intercounty Transfer regulations are designed for Stage One to Stage One transfers, it is necessary to clarify that the second county has the responsibility to refer appropriate cases to Stage Two or Stage Three child care services. This section will prevent a delay in the client receiving child care services due to each county's different definition as to when a family's situation is stable and the movement of the family into Stage Two or Three.

Section 47-310.23

Specific Purpose:

This section specifies that child care shall be provided in Stage One until child care is available in Stage Two or Stage Three, unless the family is otherwise ineligible.

Factual Basis:

This section is necessary to make clear that unless otherwise ineligible, clients shall receive Stage One child care until child care is provided in Stage Two or Stage Three. Without child care, clients may not be able to continue to meet their required welfare-to-work activities.

Section 47-310.3

Specific Purpose:

This section specifies that without delay counties shall issue child care payments as soon as the county receives all required payment information from the client.

Factual Basis:

This section is necessary to ensure that when all required information has been received the new county does not delay in providing the client with child care benefits.

Sections 47-310.31 through .312

Specific Purpose:

These sections provide standards for which county has payment responsibility when a client moves to a new county and is changing providers.

Factual Basis:

Section 47-310.311 specifies that the first county makes payments to the provider through the last day the existing provider provides services. This section is necessary to avoid a break in child care services and eliminates the need for the first county to certify a new provider in the second county until the second county assumes responsibility for the provision of cash aid. Section 47-310.312 specifies that the second county become responsible for payment to the new provider regardless of the status of the cash aid transfer. This section is also necessary to avoid a break in child care services by clarifying when the second county shall assume responsibility for the child care payments regardless of the status of the cash aid transfer.

Final Modification:

Following the public hearing, at the Department's discretion, Section 47-310.312 is being amended to replace "**the** cash aid..." with "**a** cash aid..." when referring to the second county's responsibility to pay for child care regardless of the completion of a cash aid transfer. This is necessary to avoid confusion when a person is not on cash aid and that case is being transferred.

Handbook Section 47-310.313

Specific Purpose/Factual Basis:

This handbook section restates the Cash Aid Transfer Period as defined in Section 40-187.16. It is provided here for ease of use of these regulations.

Section 47-310.32

Specific Purpose:

This section provides a heading for intercounty transfer child care cases that do not change providers.

Factual Basis:

This section is necessary as a lead in to establish standards for which county has payment responsibility when a client moves to a new county and is not changing providers.

Section 47-310.321

Specific Purpose:

This section specifies when a client is on cash aid and not changing providers the first county shall continue to pay for child care until the transfer of the cash aid case is completed or sooner if both counties agree.

Factual Basis:

This section is necessary because the first county has already established a payment relationship with the provider and there would be no impact on the client to have the second county assume responsibility for the child care payment once the cash aid case is complete. When a client is not changing providers it allows time for the second county to complete the transfer of the client's cash aid case and to establish a payment relationship with the new provider.

Section 47-310.322

Specific Purpose:

This section specifies when a client is off cash aid the first county shall pay for child care for up to 30 days from the date the client moves out of the county at which time the second county assumes responsibility for payment.

Factual Basis:

This section is necessary to specify a reasonable time period for the second county to establish a child care case for a client who is off of cash aid and no longer has a cash aid case. This section will also ensure that former CalWORKs clients receive Stage One or Stage Two child care services for up to a total of 24 months after leaving cash aid or until they are otherwise ineligible.

b) Identification of Documents Upon Which Department Is Relying

c) Local Mandate Statement

These regulations do impose a mandate on local agencies, but not on local school districts. There are no reimbursable state-mandated costs because these regulations only make technical nonsubstantive or clarifying changes.

d) Statement of Alternatives Considered

CDSS has determined that no reasonable alternative considered would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

e) Statement of Significant Adverse Economic Impact On Business

CDSS has determined that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

f) Testimony and Response

These regulations were considered as Item #1 at the public hearing held on November 12, 2003 in Sacramento, California. No written or oral testimony was received during the 45-day comment period from September 26, 2003 to 5:00 p.m. November 12, 2003.

g) 15-Day Renotice Statement

CDSS did not renote these regulations because no changes requiring renote were made to the regulations following the public hearing.